

SUBCHAPTER 3. FEE SCHEDULE FOR WATER SUPPLY ALLOCATION AND TEMPORARY DEWATERING PERMITS

7:19-3.1 Scope and Authority

(a) This subchapter shall constitute the rules governing the establishment of a water allocation permit fee schedule as mandated by Section 11 of the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

(b) This subchapter also establishes fees applicable to the issuance of water use registrations.

7:19-3.2 Purpose

The purpose of this subchapter is to establish fees for the water allocation program set forth in N.J.A.C. 7:19-1 and 2 based upon and not to exceed the estimated cost of processing, monitoring, administering and enforcing water supply allocation and temporary dewatering permits, and water use registrations. The fee schedule shall be annually reviewed with respect to any changes in the costs of processing, monitoring, administering and enforcing water supply allocation and temporary dewatering permits, and water use registrations. The expenses of public hearings to be charged to applicants by the Department pursuant to N.J.A.C. 7:19-2.8(f) shall not be included in the calculations of the fee schedule set forth in this subchapter.

7:19-3.3 Applicability

This subchapter shall be applicable to all those persons as set forth in N.J.A.C. 7:19-1.4.

7:19-3.4 Establishment of fee schedule

(a) The Department shall review the fee schedules set forth in this subchapter prior to September 1 of each year. The figures will be adjusted up or down annually by the previous 12 month inflation factor. The inflation factor is based upon the United States Department of Labor, Bureau of Labor Statistics data published in the monthly CPI Detailed Report. The data will be taken from the most recent report available on July 1 of each year and the actual percentage used will be the past year percent change for the U.S. city average, all items, all urban consumers.

7:19-3.5 Fees for Water Allocation Permits

(a) All applicable fees shall be paid in accordance with the fee schedule established in N.J.A.C. 7:19-3.6, and as specified below:

1. Any person who applies for a new permit or a major modification of an existing permit shall submit, along with the application, the applicable initial or modification fee set forth in N.J.A.C. 7:19-3.6(a)1, based on the class of the allocation listed in (d)1 below.

2. Each permittee shall pay the appropriate annual fee set forth in N.J.A.C. 7:19-3.6(a)2, based on the allocation class listed in (d)1 below.

(b) Each applicant for a new permit or a major modification of a permit shall pay the appropriate annual fee upon issuance of the permit or modification as follows:

1. The total annual fee, if the application is approved during the first quarter of the calendar year;

2. Three-quarters of the annual fee, if the application is approved during the second quarter of the calendar year;

3. One-half of the annual fee, if the application is approved during the third quarter of the calendar year;

4. One-quarter of the annual fee, if the application is approved during the fourth quarter of the calendar year.

(c) Any applicant who fails to complete necessary forms, fails to comply with other permit application requirements or who fails to provide information within the time frame(s) established by the Department, shall pay the annual fees which would have been due if the forms, information and application had been completed in a timely manner, except where the Department grants an extension of time prior to an associated due date.

(d) An applicant for a permit, or permittee shall be placed in the appropriate class below based on the total amount of the approved monthly allocation, based upon a 31-day month:

1. Initial Application, Major Modification, and Annual Permit Fee Classes:

i. Class 1: 3.1 million gallons per month (mgm) to less than 15.5 mgm;

ii. Class 2: 15.5 mgm to less than 31.0 mgm;

iii. Class 3: 31.0 mgm to less than 62.0 mgm;

iv. Class 4: 62.0 mgm to less than 155.0 mgm;

v. Class 5: 155.0 mgm to less than 310.0 mgm; and

vi. Class 6: 310.0 mgm and above.

(e) For the purpose of assessing the fees under this subchapter, the following shall apply:

1. If any ground water diversion in excess of 3.1 million gallons per month is included in a permit, the initial application or major modification fee for the permit shall be computed using the ground water schedule set forth in N.J.A.C. 7:19-3.6(a)1, accounting for the total monthly allocation from all sources within the scope of the permit. The annual fee shall be computed using the ground water schedule set forth in N.J.A.C. 7:19-3.6(a)2; and

2. A diversion from a pond fed primarily by ground water is considered a ground water diversion.

(f) Any hearing costs shall be paid by the applicant in full upon issuance of the permit. If the application has been withdrawn after the public hearing or if the application is denied, the hearing costs shall be paid by the applicant on or before the specified due date of the invoice.

(g) If a water supply allocation permit application is withdrawn after the notice of application has been published, the applicant shall be responsible for payment of the cost of publication of the notice.

(h) In accordance with N.J.S.A. 13:1D-120 through 124, an applicant for a new or modified permit for which the application fee exceeds \$1000 may pay such fee in three equal installments. The first installment is due at the time the applicant submits the application for the permit. The second installment is due when the Department notifies the applicant that the permit application is administratively complete. The last installment is due when the Department takes final action on the application.

7:19-3.6 Fee Schedule

(a) Fees shall be charged for water supply allocation and dewatering permits issued under this chapter pursuant to the following schedule:

1. Initial application and permit modification fees(\$):

| | Class 1 | Class 2 | Class 3 | Class 4 | Class 5 | Class 6 |
|--|---------|---------|---------|---------|---------|---------|
| 5 Class 6 | | | | | | |
| i. Surface water diversions | 5745 | 6470 | 8345 | 14385 | 15715 | 17050 |
| ii. Ground water diversions | 7190 | 8070 | 10425 | 17980 | 19585 | 20915 |
| iii. Ground and surface water diversions in which waters are returned undiminished to the source | 3430 | 4590 | 5745 | 6905 | 7970 | 9040 |
| iv. Dewatering diversions | 6985 | 6985 | 6985 | 17850 | 17850 | 17850 |

2. Annual fees (\$):

| | | | | | | |
|--|------|------|------|-------|-------|-------|
| i. Surface water diversions | 2770 | 3245 | 5560 | 9585 | 12250 | 14915 |
| ii. Ground water diversions | 3725 | 4305 | 6945 | 11990 | 14655 | 17320 |
| iii. Ground and surface water diversions in which waters are returned undiminished to the source | 1215 | 1990 | 3830 | 4605 | 5380 | 6145 |
| iv. Dewatering diversions | 3620 | 3620 | 3620 | 11900 | 11900 | 11900 |

(b) Fees for water use registrations issued under this chapter shall be charged as follows:

1. Any person who is required to apply for a water use registration pursuant to N.J.A.C. 7:19-2.18 shall, along with a completed registration form, submit an initial registration fee of \$400.00.

2. Each person who holds a valid water use registration shall pay an annual fee of \$200.00.

7:19-3.7 Payment of annual fee

(a) The Department will send to each permittee or water use registrant an invoice for the next subsequent calendar year's annual fee by December 31 of each calendar year.

(b) Each permittee or water use registrant shall remit the annual fee by March 1 of the calendar year for which the fee is due.

(c) Payments shall be by check or money order made payable to "Treasurer, State of New Jersey," and mailed, with the invoice, by the due date set forth in (a) above to:

NJ Department of Treasury
Division of Revenue
PO Box 417
Trenton, New Jersey 08046-0417

(d) For each permit issued, the Department will send the permittee an invoice for the applicable annual fee for the remainder of the year in which the permit is issued pursuant to N.J.A.C. 7:19-3.5(b). Payment shall be made by the due date specified in the invoice.

7:19-3.8 Failure to timely submit the annual fee payment

Failure to pay the annual fee by the due date established pursuant to N.J.A.C. 7:19-3.7 shall be considered a violation of the Act subject to the penalty provisions of N.J.A.C. 7:19-18. The Department shall deem such failure to pay the annual fee a voluntary termination and surrender of the permit by the permittee or the water use registration by the registrant. Any permittee or registrant who fails to pay their annual fee by the established due date shall terminate all diversion activity as of the established due date.